UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/803,019 | 03/17/2004 | Lawrence C. Gross JR. | P-1653-041 | 5128 |

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| EXAMINER |
|---|
| NGUYEN, PHUNG HOANG JOSEPH |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2614 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/01/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/803,019 | GROSS ET AL. |
| | Examiner | Art Unit | |
| | PHUNG-HOANG J. NGUYEN | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _17 March 2004_.
2a)☐ This action is **FINAL**.  2b)☐ This action is non-final.
3)☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) _____ is/are rejected.
7)☒ Claim(s) _1_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

1.      This application is in condition for allowance except for the following formal

matters:

On page 12, line 13, the recitation of **"as communication (i.e. an ASCII**

**character prompt) is received"** in the claim should be replaced with:  **--as**

**communication <u>wherein the communication is an ASCII character prompt</u> is**

**received --.**

2.      Prosecution on the merits is closed in accordance with the practice under Ex

parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire TWO

MONTHS from the mailing date of this letter.

### *Allowable Subject Matter*

3.       Walter et al (US Pat 6,847,615) teaches a method for automatically determining

the baud rate of a serial data transmission comprises the steps of setting a receiving

device to a first baud rate, processing (65) a first data word received by said receiving

device and possibly further information to determine said baud rate of said data

transmission, possibly setting (68) said receiving device to a second baud rate in order

to enable said receiving device to find the beginning of a subsequent data word in said

serial data transmission, and possibly setting (74) said receiving device to said

determined baud rate. A corresponding apparatus and a mobile telephone each

employs this method. The invention provides an autobauding function which causes

little expense in terms of hardware and processing time, and which will correctly

synchronize with the serial data transmission even if the transmitted data words immediately follow each other.

4.      Shinagawa et al (US Pat 6574697) teaches data transfer equipment enables high-speed transfer between a DTE (Data Terminal Equipment) and a DCE (Data Circuit Terminating Equipment). The data transfer equipment serves the DCE, and is connected through a first parallel bus to the DTE, and has a data processing section used to process data to be exchanged with the DTE. The data transfer equipment is provided with a transfer processing section connected to the data processing section through a second parallel bus, which is adapted to transfer, based on a specified control procedure, data received through the first parallel bus from the DTE to the data processing section through the second parallel bus and to transfer, based on the control procedures, data received through the second parallel bus from the data processing section to the DTE.

5.      Barbero et al (US Pat 5,367,541) teaches a method for setting the asynchronous transmission characteristics in a telecommunication equipment including a Serial Communication Controller (SCC) operating at different transmission rates, parity modes and numbers of bit per character. The method according to the present invention involves the step of setting the SCC at the higher communication rate in a none parity mode with a number of 8 bits per character. There is received a predetermined sequence of characters consisting in a succession of "Carriage Return" (CR) and "." characters. The method further involves the step of processing at least three received characters (CR, ., CR) involving the step of analyzing said received characters by

comparing them with predetermined values simultaneous with the detection of parity

errors, the processing step further involving the step of setting in responsive to the

analyzing step, the SCC with the actual number of bits per character and the real parity

mode which is used in the asynchronous transmission.

6.      The following is an examiner's statement of reasons for allowance:

The prior arts of record fail to teach, or render obvious, alone or in combination a

method to perform the claimed step:

if the minimum pulse width detected is less than half of what is indicated by

the maximum baud rate of 230,400 the pulse is considered noise and ignored; if the

script fails (310) and the pulse width detector (100) indicates that the data is being

transmitted at a higher rate (320, 325) than the present test, the computer program

script operates on the microprocessor to shift the baud rate to the higher baud rate

(330) and operate the script again (290); if the script fails (310) and the at least one

pulse width detector (100) does not indicate that the data is being transmitted at a

higher rate (320, 327) than the present test, the computer program script operates the

microprocessor to shift the baud rate to the next higher baud rate (340) that is

available and runs the script again (290);

## INQUIRY

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number

is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS  KUNTZ/                                          /Phung-Hoang J Nguyen/
Supervisory Patent Examiner, Art Unit 2614              Examiner, Art Unit 2614